

CHAPTER 10. MISDEMEANORS AND NUISANCES

Section 1000 - Crimes and Forbidden Conduct

1000.01 Loitering; Trespassing on Railroad Premises. No person shall lurk, lie in wait or be concealed in any house or other building, or in any yard, premises, street, avenue, park or parkway within the City, with intent to do any mischief, or to pilfer or to commit any crime or misdemeanor whatsoever; or not being an agent, servant, or employee of a railway company, shall get on or off the cars or locomotives of any railway company operating its cars and locomotives within the City limits while they are in motion or standing still, or trespass upon the yards or premises of such railway company with the intent to obtain a ride upon such cars or locomotives or sleep in the same, or any other purpose, without the consent of such railway company, its agents or employees.

1000.02 Posting Bills. No person shall put up any hand bills, advertisements, posters, show bills, or other sign on any building, pole, automobile or property not the person's own, without permission from the owner.

1000.03 Discharge of Firearms Prohibited Without a Permit. No person shall fire, discharge, or explode any rifle, gun, pistol, air rifle, BB Gun, pellet gun, paint pellet gun, or other weapon in any part of the City without a permit from the Council. No person shall possess out of doors or transport any of the above listed weapons unless the same is unloaded and cased. The permit shall be in writing and shall be issued by the Council in its discretion upon application to it. Nothing shall be construed to prohibit any firing of a rifle, gun, pistol, or other weapon when done in the lawful defense of person, or property or in the necessary defense or enforcement of the laws.

1000.04 Dumping. No person shall place any refuse, as defined in Subsection 705.01 of this Code:

- A. On any street, alley or public place, except as permitted by Subsection 1230.02 of this Code, or in any stream, lake or pond;
- B. On any privately owned property except property owned or occupied by the person;
- C. On any vacant property, except construction debris may be placed in dumpsters or other containers during the construction of improvements on vacant property; and
- D. Unless in full conformance with Section 705 of this Code.

1000.05 Destructive Devices and Hoax Devices. No person shall manufacture, own, possess, or have in the person's custody or control any destructive device which shall include, but is not limited to, any device, apparatus, or equipment by whatever name known, which causes damage by combustion or explosion. It shall include any bomb, time bomb, Molotov cocktail, grenade, mine, rocket or missile, and any type of weapon which will, or is designed to, or may readily be converted to, expel a projectile by the action of any explosive. This provision shall not apply to

owners, employees, or agents of bona fide business operations which store, transport, or use explosives in their business operation, nor shall it apply to a government official acting in the discharge of official duties. No person shall manufacture, own, possess, or have in the person's custody or control any false or hoax device, apparatus, or equipment resembling destructive devices and place the same in any public building or place.

1000.06 Aiding or Abetting Violation. It shall be a misdemeanor for anyone to aid, abet, advise, encourage or assist another to violate any provision of this Code.

1000.07 Scavenging of Recyclables.

Subd. 1 **Ownership of Recyclables.** Ownership of recyclables, as defined in Section 715 of this Code shall remain and be vested in the person who or which separated and stored the recyclables, until collected by a hauler authorized by the City to collect recyclables, at which time ownership shall vest in the hauler.

Subd. 2 **Moving Recyclables.** No person shall remove, take or collect the recyclables owned by any other person except, however, a hauler authorized by the City to collect recyclables and serving the owner as provided in this Section.

1000.08 Terroristic Threats. No person shall threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience. No person shall communicate to another with purpose to terrorize another or in reckless disregard of the risk of causing such terror, that explosives or an explosive device or any incendiary device is present at a named place or location, whether or not the same is in fact present. No person shall display, exhibit, brandish, or otherwise employ a replica firearm in a threatening manner. For purposes of this Subsection, "replica firearm" means a device or object that reasonably appears to be a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or other firearm.

1000.09 Fraudulent Identification. No person shall use a name, address, or date of birth which is not his or her own for the purpose of applying for credit, purchasing goods or services, or returning goods for credit or cash to a business establishment.

1000.10 Noisy Assembly.

Subd. 1 **Noisy Assembly Defined.** For purposes of this Subsection, "noisy assembly" shall mean a gathering of more than one person in a residential area or building between 10:00 P.M. and 7:00 A.M. that produces noise that unreasonably disturbs the peace, quiet or repose of a person or persons of normal sensibilities.

Subd. 2 **Acts Prohibited.** No person shall participate in or remain at a gathering knowing or having reason to know that the gathering is a noisy assembly. No person shall knowingly permit a building or any property under such person's care or control to be used as a location for a noisy assembly.

1000.11 Nudity in Certain Places. No person shall appear in a state of nudity in:

- A. Any place or premises licensed as a food establishment pursuant to Section 721 of this Code;
- B. Any place or premises licensed to sell beer, wine, or liquor pursuant to Section 900 of this Code;
- C. Any place, room, or rooms to which members of the public are admitted which adjoin and are accessible from places or premises described in paragraph A. or B. of this subsection except public restrooms as defined in Section 455 of this Code; or
- D. Any place, room or rooms where any admission or fee is charged for viewing persons in a state of nudity.

For purposes hereof, "nudity" means (i) less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; or (ii) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

1000.12 Intentional Feeding of Deer.

Subd. 1 **Feeding Prohibited.** No person shall feed deer within the City. For purposes of this subdivision, feeding shall mean the provision of one half cubic foot or more of grain, fruit, vegetables, nuts, hay or other edible material either on the ground or at a height of less than five feet above the ground, in a manner that attracts deer. Living food sources such as trees and other live vegetation shall not be considered as deer feeding.

Subd. 2 **Exception.** The provisions of Subd. 1 of this subsection shall not apply to the employees or agents of the City, the County, the State, the Federal government or veterinarians who in the course of their official duties have deer in their custody or under their management.

1000.13 Harassment of Dogs Used for Law Enforcement Purposes. No person shall interfere or meddle with any dog used by a public law enforcement agency or a peace officer handling such a dog in performance of the duties of the agency. No person shall torture, harass, torment, beat, kick, strike, mutilate, injure, disable, kill or harm in any other way any such dog or peace officer

1000.14 Trespass. For purposes of this Subsection, the terms "premises", "building", "dwelling", and "owner or lawful possessor" have the meanings given to them under Minnesota Statutes 609.605. For purposes of this Subsection, the term "belief of property interest" shall mean a good faith belief that the person has a possessory interest in the property as an owner, tenant, lessee, licensee or invitee. A person who does not have a belief of property interest shall not:

- A. Trespass on the premises of another and refuse to depart from the premises on demand of the lawful possessor; or
- B. Occupy or enter the dwelling or locked or posted building of another, without consent of the owner or the consent of one who has the right to give consent, except in an emergency situation; or
- C. Return to the property of another within 30 days after being told to leave the property and not return if the person is without consent of one with authority to consent.

Any person violating this Subsection upon conviction shall be guilty of a petty misdemeanor.

History: Ord 1001 codified 1970; amended by 1001-A1 4-22-71, 1001-A2 9-12-74, 1001-A3, 6-11-86, 1001-A4 6-14-89; repealed by 1004 2-25-71. Amended by Ord 1993-10; Ord 1993-14, Ord. 2002-4, 6-4-02; Ord 2005-2, 3-1-05

Cross Reference: Sections 455, 705, 715, 721, 900; Subsection 1230.02